

PATENT

Atty Docket No.: 70006210-1
App. Scr. No.: 09/834,255

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. By virtue of this amendment, Claims 1, 5, 6, 16, and 17 have been amended without prejudice or disclaimer of the subject matter contained therein. Claims 1-3, 5-10, 16, and 17 are therefore pending in the present application, of which, Claims 1, 6, 16, and 17 are independent claims.

No new matter has been added by way of the claim amendments; entry thereof is therefore respectfully requested.

Personal Interview Conducted

The Examiner is respectfully thanked for the courtesies extended during the personal interview conducted with the undersigned on August 25, 2005. As agreed upon during that interview, the claim rejections under 35 U.S.C. § 112, second paragraph should be withdrawn for the reasons set forth below.

In addition, with regard to the claim rejections under 35 U.S.C. § 103, an agreement was reached that none of the cited documents of record disclose the features of continuously zooming an image with the center of zoom action following movement of a stylus across a touch-sensitive screen. All of the independent claims have previously included this feature or they have been amended to include this feature. As such, the Examiner is respectfully requested to withdraw the rejections of record and to allow all of the pending claims.

Drawings

The Official Action does not indicate whether the drawings submitted on April 12, 2001 have been accepted or objected. However, because there have been no formal

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objections to the drawings, the Applicant will assume that the drawings have been accepted.

Should this assumption be in error, the Examiner is respectfully requested to notify the Applicant in a subsequent communication.

Claim Rejection Under 35 U.S.C. § 112

The Official Action sets forth a rejection of Claims 1-3 and 5 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Official Action has rejected Claim 1 as allegedly being incomplete for omitting essential elements. The alleged omitted element is a "touch-sensitive screen." As discussed during the personal interview, the disclosure contained in the paragraph beginning on page 6, line 23 of the Specification provides a sufficient description of the claimed "touch-sensitive screen" to enable one of ordinary skill to understand the invention claimed in Claim 1.

The Official Action has also rejected Claim 1 on the alleged basis that the term "generating" appearing before the term "means" renders the claim indefinite because "it is impossible to determine the equivalents of the element, as required by 35 U.S.C. § 112, sixth paragraph. Although Applicant disagrees with this statement, Applicant has amended Claim 1 to remove the term "generating".

As all of the issues under 35 U.S.C. § 112, second paragraph, have been addressed and overcome, the Examiner is respectfully requested to withdraw the rejections of Claims 1-3 and 5.

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Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

The Official Action sets forth a rejection of Claims 1-3, 5-8, 10, 16, and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the disclosures contained in U.S. Patent No. 5,602,870 to Hailey et al. in view of U.S. Patent No. 5,581,052 to Padula et al. This rejection is respectfully traversed because Hailey et al. and Padula et al, considered singly or in combination, fail to disclose the invention as set forth in independent Claims 1, 6, 16, and 17 of the present invention and the claims that depend therefrom.

As discussed and agreed upon during the personal interview, neither Hailey et al. nor Padula et al. discloses the general concept of tracking the movement of a stylus and moving a zoom center according to the tracked movement of the stylus while continuously or repeatedly performing a zoom action. Claims 1, 6, and 16 of the present invention have been amended to include these features. In addition, Claim 17 has previously been amended to

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include these features. The amendments to the claims are described in greater detail herein below.

Claim 1 has been amended to include that the,

zoom means detects the image point indicated by said stylus on said screen while the stylus is moved across said screen, and repeatedly performs a zoom action on said image on said screen using said detected image point as the center of said zoom action until said stylus is removed from said screen to thereby one of continuously enlarge and reduce the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.

Claim 6 has been amended to include that the point of contact of the stylus on a screen is detected as the stylus is moved across the screen. As such, Claim 6 includes the feature that a zoom action is repeatedly performed with the center of zoom being set to the moving detected point of contact of the stylus "thereby one of continuously enlarging and reducing the image as the stylus is moved across the screen with the center of the zoom action following movement of the stylus."

Claim 16 has been amended to include that a zoom action is continuously performed with the center of the zoom action following the movement of the stylus "to thereby one of continuously enlarge and reduce the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus."

Claim 17 has been amended to include that the center of zoom action is moved in accordance with the movement of the "stylus across the screen thereby one of continuously enlarging and reducing the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.

In contrast to the present invention as set forth in amended Claims 1, 6, 16, and 17, Hailey et al. discloses a digital signal processing method for implementing a continuous zoom to a digital image. (column 5, line 47). The term "continuous" here refers to the

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application of a desired zoom ratio to motion pictures. (column 5, line 49-column 6, line 11). In this regard, Hailey et al. discloses that one zoom ratio is applied to multiple frames of the motion picture and does not disclose that an image is continuously enlarged or reduced. In addition, Hailey et al. does not disclose a touch-sensitive screen nor a stylus. As such, Hailey et al. cannot be interpreted as disclosing that a stylus is used to indicate an image point on the screen. Therefore, Hailey et al. cannot be interpreted as disclosing that a center of zoom action follows movement of a stylus.

In an effort to make up for some of the deficiencies in Hailey et al., namely the stylus and touch-sensitive screen, the Official Action cites to Padula et al. More particularly, the Official Action relies upon Padula et al. for its disclosure of a pressure sensitive stylus for use on a digitizer 61 surface (Figure 2) and a zoom button 80. Padula et al. does not, however, disclose that a zooming action is performed to one of continuously enlarge and reduce the image as a stylus is moved across a screen, with the center of the zoom action following movement of the stylus. Therefore, even assuming for the sake of argument that one of ordinary skill in the art were motivated to combine the disclosures of Hailey et al. and Padula et al., the proposed combination would still fail to disclose all of the features claimed in Claims 1, 6, 16, and 17 of the present invention.

Accordingly, it is respectfully submitted that the Official Action has failed to establish that Claims 1, 6, 16, and 17 are *prima facie* obvious in view of the disclosures contained in Hailey et al. and Padula et al., whether these documents are considered singly or in combination. The Examiner is therefore respectfully requested to withdraw the rejection of Claims 1, 6, 16, and 17 and to allow these claims.

Claims 2, 3, 5, and 7-10 are also allowable over Hailey et al. and Padula et al. at least by virtue of their respective dependencies upon allowable Claims 1 and 6.

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: September 19, 2005

By



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